

REMARKS

In response to the Office Action dated August 26, 2004, claims 1, 8, and 21 are amended to better state the recited subject matter. Claims 1-38 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 2, 8, 9 and 21 were rejected under 35 USC § 102(e) as being anticipated by Brandell (U.S. Patent No. 6,068,651). Applicant respectfully traverses the rejection as follows.

Applicant respectfully traverses the rejection of claim 1, since Applicant can not find in the cited portions of Brandell, among other things, a processor adapted to initiate a delay period in response to a therapy request from an external device and initiate delivery of the electrical energy after the delay period expires, the processor adapted to detect a therapy request upon receipt of a request for at least a therapy request threshold duration and a programmable delay timer, as recited in claim 1.

Applicant respectfully traverses the rejection of dependent claim 2 for at least the reasons set forth above for claim 1.

Reconsideration and allowance of claims 1 and 2 are respectfully requested.

Applicant respectfully traverses the rejection of claim 8. Applicant can not find, among other things, a processor adapted to initiate a delay period in response to an external therapy request and initiate a delivery of the electrical energy after the delay period expires, the processor adapted to detect the therapy request upon receipt of a request for at least a therapy request threshold duration and a programmable delay timer, as recited in claim 8.

Applicant respectfully traverses the rejection of dependent claim 9 for at least the reasons set forth above for claim 8.

Reconsideration and allowance of claims 8 and 9 are respectfully requested.

Applicant respectfully traverses the rejection of claim 21. Applicant can not find, among other things, an implantable atrial cardioverter/defibrillator comprising means for receiving a therapy request from an external device and means for detecting a therapy request duration greater than a therapy request threshold duration, as recited in claim 21.

Applicant respectfully requests reconsideration and allowance of claim 21.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 28-38.

Claims 3-7, 10-20 and 22-27 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant believes the base claims are allowable in their present form at least for the reasons stated above and respectfully requests withdrawal of the objections and reconsideration and allowance of claims 3-7, 10-20 and 22-27.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

VICTOR T. CHEN ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6912

Date

Nov. 24, 2004

By

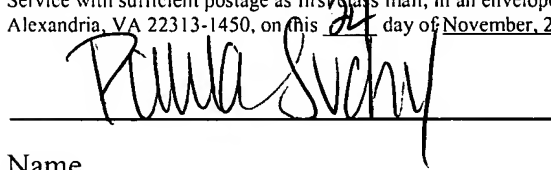


Timothy E. Bianchi

Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of November, 2004.

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